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January 22, 1997

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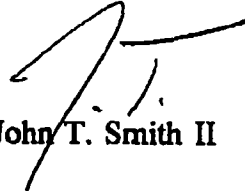
Michael Goodstein, Esq.
U.S. Department of Justice
Environmental Enforcement Section
1425 New York Ave., N.W.
Washington, D.C. 20004

Dear Michael:

Attached, as we discussed yesterday, is ASARCO's response to your "preliminary" RCRA penalty request. As you will see, we have significant concerns about the federal government's jurisdictional predicate for seeking most of these penalties.

We look forward to discussing this matter, and other issues such as the agenda for the February 4-5 San Francisco meeting, when we talk on Friday.

Sincerely,



John T. Smith II

Attachment

cc: Melissa Page Marshall